

Message Text

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ACTION EUR-25

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TO SECSTATE WASHDC IMMEDIATE 7635

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E. O. 11652: N/ A

TAGS: EFIN, PFOR, US, SZ

SUBJ: JUDICIAL ASSISTANCE TREATY: SWISS PROPOSAL ON ARTICLE 2

REF: BERN'S 1807

1. FOLLOWING IS SWISS PROPOSAL ON ARTICLE 2, NON-
APPLICABILITY:

2. "1. THIS TREATY SHALL NOT APPLY TO:

" A. EXTRADITION OR ARRESTS OF PERSONS ACCUSED
OR CONVICTED OF HAVING COMMITTED AN OFFENSE;

" B. EXECUTION OF JUDGMENTS IN CRIMINAL MATTERS;

". C. INVESTIGATIONS AND PROCEEDINGS:

"(1) CONCERNING AN OFFENSE WHICH THE
REQUESTED STATE CONSIDERS A POLITICAL OFFENSE OR AN
OFFENSE CONNECTED WITH A POLITICAL OFFENSE;

"(2) CONCERNING OFFENSES IN VIOLATION OF
THE LAWS RELATING TO MILITARY OBLIGATIONS;

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"(3) CONCERNING ACTS BY A PERSON SUBJECT TO MILITARY LAW IN THE REQUESTING STATE WHICH CONSTITUTE AN OFFENSE UNDER MILITARY LAW IN THAT STATE BUT WHICH WOULD NOT CONSTITUTE AN OFFENSE IN THE REQUESTED STATE IF COMMITTED BY A PERSON NOT SUBJECT TO MILITARY LAW IN THE REQUESTED STATE;

"(4) FOR THE PURPOSE OF ENFORCING CARTEL OR ANTITRUST LAWS; OR

"(5) CONCERNING VIOLATIONS WITH RESPECT TO TAXES, CUSTOMS DUTIES, GOVERNMENTAL MONOPOLY CHARGES OR EXCHANGE CONTROL REGULATIONS OTHER THAN THE OFFENSES LISTED IN ITEMS 26 AND 30 OF THE SCHEDULE TO THIS TREATY (" SCHEDULE") AND THE RELATED OFFENSES IN ITEMS 34 AND 35 OF THE SCHEDULE.

"2. NEVERTHELESS ASSISTANCE SHALL BE GIVEN TO RESEARCH. TORRAS ALSO SAID CUBA WAS READY TO TRADE WITH BARBADOS AS SOON AS TRADE ITEMS COULD BE IDENTIFIED, BUT HE SAID CUBA HAD NOT YET DETERMINED ITS POSITION WITH RESPECT TO THE NEW CARIBBEAN COMMON MARKET.

2. VISIT OF CUBAN MISSION ATTRACTED CONSIDERABLE ATTENTION FROM MEDIA COVERING MISSION'S SCHEDULE, WHICH INCLUDED CALLS ON VARIOUS GOVERNMENT OFFICIALS INCLUDING PRIME MINISTER BARROW, A GOVERNMENT RECEPTION (TO WHICH EMBASSY NOT INVITED), AND VISITS TO WEST INDIES CENTRAL SUGAR CANE BREEDING STATION, BARBADOS SUGAR CANE VARIETY TESTING STATION, GOB ANIMAL NUTRITION UNIT, INDUSTRIAL PARKS, AND CARIBBEAN METEOROLOGICAL INSTITUTE.

3. MINEXSTAFF PERMSEC WILLIAMS, WHO LED GOB MISSION TO CUBA LAST OCTOBER AND WHO ACTED AS OFFICIAL HOST TO CUBAN MISSION, WHICH LED BY OFFICIAL OF EQUIVALENT RANK TO WILLIAMS, TOLD CHARGE APRIL 30 THAT GOB WOULD NAME ITS HIGH COMMISSIONER TO CANADA, OLIVER JACKMAN, FORMER BARBADIAN PERMREP AT UN, AS NON- RESIDENT AMBASSADOR TO CUBA. GOB'S PRIMARY CONTACT WITH CUBA HAS BEEN THROUGH ITS HIGH COMMISSIONER IN OTTAWA, WHERE NEGOTIATIONS CONCERNING DIPLOMATIC RELATIONS TOOK PLACE LAST DECEMBER (BRIDGETOWN 1404). ALTHOUGH PRESS HAS REPORTED JACKMAN ALREADY NAMED, HIS APPOINTMENT HAS NOT YET BEEN OFFICIALLY ANNOUNCED, AND WILLIAMS TOLD CHARGE MAY 5 THAT AGREEMENT ONLY JUST OBTAINED. WILLIAMS ALSO DECLINED TO CONFIRM ESTABLISHMENT OF CUBAN EMBASSY HERE BY YEAR'S END, IMPLYING THAT EITHER TORRAS WAS SPEAKING OUT OF TURN OR HAD GONE BEYOND WHAT WAS AGREED. ANOTHER SOURCE TOLD CHARGE MAY 6 THAT ONE MATTER DISCUSSED DURING VISIT WAS ROUTE FOR CUBAN AIRLINE FROM HAVANA- BRIDGETOWN- CONAKRY- MOSCOW. LORD

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